

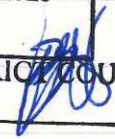
* CLERK FILE ON DEMAND *

08-17-2023

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

5-23-CR-087-H

UNITED STATES OF AMERICA
VS
CARLOS JORDANO HERRERA RUIZ
ABEL VALDEZ
YORDANESZ SANCHEZ

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED AUG 22 2023 CLERK, U.S. DISTRICT COURT By  Deputy

MOTION TO SUPPRESS ILLEGALLY SEIZED
EVIDENCE

COMES NOW CARLOS JORDANO HERRERA RUIZ
ABEL VALDEZ, AND/OR YORDANESZ SANCHEZ
DEFENDANTS IN THE ABOVE-STYLED AND NUMBERED
CAUSE, AND FILES THIS MOTION TO SUPPRESS
EVIDENCE THAT WAS OBTAINED ILLEGALLY AND
FOR CAUSE WILL SHOW THE COURT THE FOLLOWING

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(I) THE DEFENDANT MOVES THE COURT TO SUPPRESS THE FOLLOWING EVIDENCE:

(A) ALL TANGIBLE EVIDENCE SEIZED, FROM THE DEFENDANTS, MOTEL ROOM, AT THE RED ROOF INN, INCLUDING NOT LIMITED TO IDENTIFICATIONS, FOUND IN A LOCKED CLOSED CONTAINER, AND COMPUTER EQUIPMENT FOUND IN A COMPUTER CASE A CLOSED CONTAINER. THE SEARCH WARRANT WOULD HAVE TO STATE WHERE AND WHAT EXACTLY, THE SEIZED ITEMS WERE AND WHERE THEY WOULD BE LOCATED

(II) AT THE TIME OF THE SEARCH, THE DEFENDANTS ASKED TO SEE THE WARRANT, AND ASKED WHAT THE LAW ENFORCEMENT WAS LOOKING FOR, IS THIS FRUIT FROM THE FORBIDDEN TREE.

(III) THE DETENTION OF THE DEFENDANTS WAS WITHOUT PROBABLE CAUSE OR REASONABLE SUSPICION IN VIOLATION OF THE 4TH, 5TH 9TH AND 14TH AMENDMENTS OF THE U.S. CONST. WOODS vs STATE 956 S.W. 2d 33 (Tx App 1997)

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VIVEROS VS STATE 828 S.W. 2d 2 (Tx. App 1992)
AMORES VS STATE 816 S.W. 2d 407 (Tx App 1991)

(IV) THE ARREST AND SEARCH OF THE DEFENDANT AND THE SEARCH OF THE MOTEL ROOM AND/OR CLOSED CONTAINERS WAS WITHOUT WARRANT AND WITHOUT ANY AUTHORITY WHATSOEVER. NO PERSON WITNESSED THE DEFENDANT COMMIT AN OFFENSE THE DEFENDANT WAS NOT FOUND IN A SUSPICIOUS PLACE UNDER SUSPICIOUS CIRCUMSTANCES WHICH WOULD REASONABLY SHOW THAT HE HAD BEEN GUILTY OF A FELONY OFFENSE OR A BREACH OF THE PEACE OR WAS ABOUT TO COMMIT SOME OFFENSE AGAINST THE LAW. TEX CODE CRIM PROC, ARTICLE 14.01 AND ARTICLE 15.01 DUNAWAY VS NEW YORK 442 U.S. 200 (1979) BROWN VS ILLINOIS 422 U.S. 590 (1975)

(V) EVIDENCE SEIZED IN VIOLATION OF THE UNITED STATES CONSTITUTION OR LAWS OF THE STATE OF TEXAS IS NOT ADMISSIBLE AGAINST THE ACCUSED. TX. CODE CRIM PROC ARTICLE 38.23 ARTICLE I SECTION 9 OF THE TEXAS CONSTITUTION 4TH AMENDMENT TO THE U.S. CONSTITUTION,
PAGE (3) OF (5)

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(VI) THE ACCUSED DEFENDANTS WERE NEVER READ THEIR MIRANDA WARNINGS, TWO OF THE ACCUSED SPEAK "NO ENGLISH" ONLY "SPANISH" THEY WOULD HAVE TO OF HAD A BI-LINGUAL ARRESTING OFFICER. PRESENT

(VII) MIRANDA WARNINGS SAFEGUARDS TAKE EFFECT WHENEVER A PERSON IN CUSTODY OR DETAINED IS SUBJECTED TO EITHER EXPRESS QUESTIONING OR ITS FUNCTIONAL EQUIVALENT

RHODE ISLAND VS INNIS 446 U.S. 291 300-01
(1980) MIRANDA VS ARIZONA 384 U.S. 436, 444
(1966)

VIII THE EVIDENCE WAS OBTAINED, AND MIRANDA WARNINGS NOT READ, MOTION TO SUPPRESS "ANY" AND/OR "ALL" EVIDENCE SEIZED.


- THERE WAS NO "SEARCH WARRANT" FOR CLOSED CONTAINERS.
- THERE WAS NO "SEARCH WARRANT" AT THE TIME OF THE SEARCH. WHEN THE DEFENDANTS ASKED TO SEE THIS "SAID" WARRANT.


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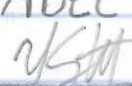
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WHEREFORE PREMISES CONSIDERED, DEFENDANTS
"PRAY" THIS HONORABLE COURT "GRANT"
THIS MOTION TO SUPPRESS EVIDENCE
OBTAINED, WITHOUT A SEARCH WARRANT
AND/OR WITHOUT READING THE DEFENDANTS
THEIR MIRANDA WARNINGS

RESPECTFULLY SUBMITTED

X 
CARLOS JORDANO HERRERA RUIZ

X 
ABEL VALDEZ

X 
JORDANESZ SANCHEZ

DATED 08-17-2023

CARLOS JORDANO HERRERA RUIZ
LUBBOCK COUNTY JAIL
3502 N. HOLLY AVE
LUBBOCK, TEXAS 79403

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Name: CARLOS JORDAN HERRERA RUIZ
S.O.#: 2247335
Lubbock County Jail
P.O. Box 10535
Lubbock, TX 79408-3535

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